



April 10, 2009

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## ENGROSSED HOUSE BILL No. 1681

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DIGEST OF HB 1681 (Updated April 8, 2009 1:13 pm - DI 104)

**Citations Affected:** IC 21-11; IC 21-12; IC 31-25; noncode.

**Synopsis:** Educational assistance for foster care youth. Requires the state student scholarship commission to annually report to the legislative council concerning data on the individuals who received certain assistance. Establishes eligibility requirements for the twenty-first century scholars program for foster care youth. Requires a caseworker of a foster child to provide certain information to the child concerning specified scholarship programs. Requires the department of education, the department of child services, the state student assistance commission, and the commission for higher education to: (1) jointly study whether there is a need for a foster care educational assistance program; and (2) submit a report containing recommendations to the legislative council by October 1, 2009 concerning whether legislation is needed to establish a program and the best agency to administer the program.

**Effective:** Upon passage; July 1, 2009.

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### Summers

(SENATE SPONSORS — DILLON, TAYLOR, ROGERS)

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January 16, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

February 17, 2009, amended, reported — Do Pass.

February 20, 2009, read second time, ordered engrossed. Engrossed.

February 25, 2009, read third time, passed. Yeas 98, nays 0.

#### SENATE ACTION

March 3, 2009, read first time and referred to Committee on Health and Provider Services.

April 9, 2009, amended, reported favorably — Do Pass.

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EH 1681—LS 7120/DI 110+



April 10, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1681

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 21-11-3-2, AS ADDED BY P.L.2-2007, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The commission shall do the following:

(1) Prepare and supervise the issuance of public information concerning all of the commission's programs.

(2) Prescribe the form and regulate the submission of applications for all of the commission's programs.

(3) Determine the amounts of grants and scholarships.

(4) Determine eligibility for grants and scholarships.

(5) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.

**(6) One (1) time every year, submit a report to the legislative council that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12-6 and IC 21-12-6.5. The report made to the legislative council must be in an electronic format under**

EH 1681—LS 7120/DI 110+



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**IC 5-14-6.**

SECTION 2. IC 21-12-6-14, AS ADDED BY P.L.168-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section applies to a student described in section ~~2(b)~~ **5(b)** of this chapter.

(b) A caseworker (**as defined in IC 31-9-2-11**) shall provide each student to whom the caseworker is assigned information concerning the program at the appropriate time for the student to receive the information, ~~and shall~~ explain the program to the student, **and shall provide the student with information concerning:**

- (1) Pell grants;
- (2) Chafee grants;
- (3) federal supplemental grants;
- (4) the Free Application for Federal Student Aid; and
- (5) the state student assistance commission.

(c) A student who receives information under this section shall sign a written acknowledgment that the student received the information. The written acknowledgment must be placed in the student's case file.

SECTION 3. IC 21-12-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 6.5. Eligibility for Twenty-First Century Scholars Program for Foster Care Youth**

**Sec. 1. This chapter applies to an individual who:**

- (1) is receiving foster care;
  - (2) is in grades 9 through 12; and
  - (3) is a resident of Indiana as determined under IC 21-11-7;
- at the time the individual applies for the twenty-first century scholars program under IC 21-12-6.**

**Sec. 2. An individual described in section 1 of this chapter may enroll in the twenty-first century scholars program under IC 21-12-6 and is eligible for higher education benefits under IC 21-12-6.**

**Sec. 3. Determination of initial eligibility for higher education benefits authorized under this chapter is vested exclusively in the commission. Any individual described in section 1 of this chapter may make a written request for a determination by the commission of eligibility for benefits under this chapter. The commission shall make a written determination of eligibility in response to each request. In determining the amount of an eligible individual's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.**

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1        **Sec. 4. An appeal from an adverse determination under section**  
 2        **3 of this chapter must be made in writing to the commission not**  
 3        **more than fifteen (15) working days after the applicant's receipt of**  
 4        **the determination. A final order must be made not more than**  
 5        **fifteen (15) days after receipt of the written appeal.**

6        **Sec. 5. A person who knowingly or intentionally submits a false**  
 7        **or misleading application or other document under this chapter**  
 8        **commits a Class A misdemeanor.**

9        SECTION 3. IC 31-25-2-4.5 IS ADDED TO THE INDIANA CODE  
 10        AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 11        1, 2009]: **Sec. 4.5. One (1) time every year, the department shall**  
 12        **submit a report to the legislative council that provides:**

13        (1) data and statistical information regarding the number of  
 14        individuals receiving foster care who are notified of the  
 15        twenty-first century scholars program under IC 21-12-6 and  
 16        IC 21-12-6.5, including the percentage of individuals receiving  
 17        foster care who are notified; and

18        (2) information regarding how the department notifies  
 19        individuals in foster care of the twenty-first century scholars  
 20        program under IC 21-12-6 and IC 21-12-6.5.

21        **The report made to the legislative council must be in an electronic**  
 22        **format under IC 5-14-6.**

23        SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this  
 24        SECTION, "office" refers to the office of Medicaid policy and  
 25        planning established by IC 12-8-6-1.

26        (b) Before July 1, 2009, the office shall apply to the United  
 27        States Department of Health and Human Services for approval to  
 28        amend the Indiana check-up plan to include services for an  
 29        individual who:

30        (1) meets the requirements in IC 12-15-44.2-9(1) through  
 31        IC 12-15-44.2-9(4);

32        (2) received foster care under a court order during the month  
 33        before the individual became eighteen (18) years of age; and

34        (3) is at least twenty-one (21) and less than twenty-four (24)  
 35        years of age.

36        (c) The office may not implement the amendment to the Indiana  
 37        check-up plan until the office files an affidavit with the governor  
 38        attesting that the amendment applied for under this SECTION is  
 39        in effect. The office shall file the affidavit under this subsection not  
 40        later than five (5) days after the office is notified that the  
 41        amendment is approved.

42        (d) If the office receives approval to amend the Indiana

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1 check-up plan under this SECTION from the United States  
 2 Department of Health and Human Services and the governor  
 3 receives the affidavit filed under subsection (c), the office shall  
 4 implement the amendment not later than five (5) days after the  
 5 governor receives the affidavit.

6 (e) This SECTION expires December 31, 2013.

7 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The department  
 8 of education, the department of child services, the state student  
 9 assistance commission, and the commission for higher education  
 10 shall jointly:

11 (1) study whether there is a need for a foster care educational  
 12 assistance program to assist a person who received foster care  
 13 with educational assistance to supplement federal and state  
 14 educational grants and assistance programs; and

15 (2) submit a report containing recommendations to the  
 16 legislative council by October 1, 2009, concerning:

17 (A) whether legislation should be proposed to establish a  
 18 foster care education assistance program; and

19 (B) the best agency to administer a foster care education  
 20 assistance program.

21 The report made to the legislative council must be in an electronic  
 22 format under IC 5-14-6.

23 (b) This section expires December 31, 2009.

24 SECTION 6. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1681, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17

Delete pages 2 through 5.

Page 6, delete lines 1 through 26.

Page 7, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 4. IC 21-11-3-2, AS ADDED BY P.L.2-2007, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The commission shall do the following:

- (1) Prepare and supervise the issuance of public information concerning all of the commission's programs.
- (2) Prescribe the form and regulate the submission of applications for all of the commission's programs.
- (3) Determine the amounts of grants and scholarships.
- (4) Determine eligibility for grants and scholarships.
- (5) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.
- (6) One (1) time every year, submit a report to the legislative council that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12-6 and IC 21-12-6.5. The report made to the legislative council must be in an electronic format under IC 5-14-6.**

SECTION 5. IC 21-12-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 6.5. Eligibility for Twenty-First Century Scholars Program for Foster Care Youth**

**Sec. 1. This chapter applies to an individual who:**

- (1) is receiving foster care;**
  - (2) is in grades 9 through 12; and**
  - (3) is a resident of Indiana as determined under IC 21-11-7;**
- at the time the individual applies for the twenty-first century scholars program under IC 21-12-6.**

**Sec. 2. An individual described in section 1 of this chapter may enroll in the twenty-first century scholars program under IC 21-12-6 and is eligible for higher education benefits under**

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**IC 21-12-6.**

**Sec. 3. Determination of initial eligibility for higher education benefits authorized under this chapter is vested exclusively in the commission. Any individual described in section 1 of this chapter may make a written request for a determination by the commission of eligibility for benefits under this chapter. The commission shall make a written determination of eligibility in response to each request. In determining the amount of an eligible individual's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.**

**Sec. 4. An appeal from an adverse determination under section 3 of this chapter must be made in writing to the commission not more than fifteen (15) working days after the applicant's receipt of the determination. A final order must be made not more than fifteen (15) days after receipt of the written appeal.**

**Sec. 5. A person who knowingly or intentionally submits a false or misleading application or other document under this chapter commits a Class A misdemeanor."**

Delete page 8.

Page 9, delete lines 1 through 7.

Page 9, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 9. IC 31-25-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. One (1) time every year, the department shall submit a report to the legislative council that provides:**

**(1) data and statistical information regarding the number of individuals receiving foster care who are notified of the twenty-first century scholars program under IC 21-12-6 and IC 21-12-6.5, including the percentage of individuals receiving foster care who are notified; and**

**(2) information regarding how the department notifies individuals in foster care of the twenty-first century scholars program under IC 21-12-6 and IC 21-12-6.5.**

**The report made to the legislative council must be in an electronic format under IC 5-14-6."**

Page 10, delete lines 19 through 24.

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Page 10, line 36, delete "eighteen (18)" and insert "**twenty-one (21)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1681 as introduced.)

VANDENBURGH, Chair

Committee Vote: yeas 11, nays 0.

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### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1681, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 17.

Page 2, between lines 35 and 36, begin a new paragraph and insert:  
SECTION 2. IC 21-12-6-14, AS ADDED BY P.L.168-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section applies to a student described in section ~~2(b)~~ **5(b)** of this chapter.

(b) A caseworker (**as defined in IC 31-9-2-11**) shall provide each student to whom the caseworker is assigned information concerning the program at the appropriate time for the student to receive the information, ~~and shall~~ explain the program to the student, **and shall provide the student with information concerning:**

- (1) Pell grants;**
- (2) Chafee grants;**
- (3) federal supplemental grants;**
- (4) the Free Application for Federal Student Aid; and**
- (5) the state student assistance commission.**

(c) A student who receives information under this section shall sign a written acknowledgment that the student received the information. The written acknowledgment must be placed in the student's case file."

Page 3, delete lines 26 through 42.

Page 4, delete line 1.

Page 4, delete lines 16 through 42.

Page 5, delete lines 1 through 8.

**EH 1681—LS 7120/DI 110+**



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Page 5, between lines 34 and 35, begin a new paragraph and insert:  
**"SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The department of education, the department of child services, the state student assistance commission, and the commission for higher education shall jointly:**

- (1) study whether there is a need for a foster care educational assistance program to assist a person who received foster care with educational assistance to supplement federal and state educational grants and assistance programs; and**
- (2) submit a report containing recommendations to the legislative council by October 1, 2009, concerning:**
  - (A) whether legislation should be proposed to establish a foster care education assistance program; and**
  - (B) the best agency to administer a foster care education assistance program.**

**The report made to the legislative council must be in an electronic format under IC 5-14-6.**

**(b) This section expires December 31, 2009."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1681 as printed February 18, 2009.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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